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APPLICATION NO.	FILI	NG DATE .	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/584,566 05/31/2000		Leonard Forbes	303.691US1 •	3884	
21186	7590	08/05/2003			
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.				EXAMINER	
P.O. BOX 2 MINNEAPO	BOX 2938 NEAPOLIS, MN 55402			JACKSON JR, JEROME	
				ART UNIT	PAPER NUMBER
				2815	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Og/584,566 Examiner Jerome Jackson Jr. 2815 Period for Reply Art Unit Jerome Jackson Jr. 2815 Period for Reply ART Unit Jerome Jackson Jr. 2815 Period for Reply AS HORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Estaminor of time may be available under the provisions of 37 CRT 135(b). In no event, however, may a reply be limited field after SIX (b) MONTH's from the mailing date of this communication. Estaminor for may be available whose the mailing date of this communication. Fallow from the communication of the provision of Calams A) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Queyle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims A) Claim(s)			9.60				
Examiner		Application No.	Applicant(s)				
Jerome Jackson Jr. Jerome	Office Action Comments	09/584,566	FORBES ET AL.				
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THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be waited under the provisions of 30°CPR 1.316(s). In no event, however, may a reply be firmly filled after SX (6) MONTHS from the mailing date of this communication. **Provision of time may be waited under the provision of 30°CPR 1.316(s). In no event, however, may a reply be firmly filled after SX (6) MONTHS from the mailing date of this communication. **Provision of the provision of the state mailing date of this communication. **Provision of the provision of the state of the	The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address				
2a) ☐ This action is FINAL. 2b ☐ This action is non-final. 3 ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☐ Claim(s) 1-14.16.17.19-23 and 70-82 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are objected to. 7) ☐ Claim(s) is/are objected to. 8] ☐ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) ☐ The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.	THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum status period was Failure to reply within the set or extended period for reply will, by statute, - Any reply received by the Office later than three months after the mailing	36(a). In no event, however, may a reply be ting within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
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Application/Control Number: 09/584,566

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Claim 1 is objected to because of the following informalities: "integrate" should be --intergate--. Appropriate correction is required.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-14,16,17,19-23,70-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horiguchi in view of Watanabe.

Horiguchi teaches all the elements of the claims except a horizontal gate attached to the vertical side gates. Watanabe teaches and suggests a horizontal attaching gate for the purposes of increasing the coupling capacitance. See the abstract for example.

Applicant's arguments filed 6/24/03 have been fully considered but they are not persuasive. Applicant's argument that Watanabe does not suggest a horizontal gate is unconvincing. See figures 10, 16, 19, 22, 31,34,37, 40, 43, 46, and 47 where two vertical control gates and an attaching horizontal gate are clearly shown. See the abstract and column 4 lines 18-21, and column 12 lines 45-50, where it is stated that the two lateral surfaces and top surface of the floating gate are covered by the control gate.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. Application/Control Number: 09/584,566

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See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Jackson Jr. whose telephone number is 703 308 4937. The examiner can normally be reached on t-th 9-5. The fax phone numbers for the organization where this application or proceeding is assigned are 703 308 7722 for regular communications and 703 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956.

jj July 30, 2003

> JEROME ACKSON PRIMARY EXAMINER